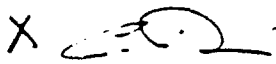


The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

#### CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant KXBR, INC.	Signature 
Title President	Date March 21, 1989

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,  
U.S. CODE, TITLE 18, SECTION 1001.

#### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authorization.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

FCC/MELLON JUN 08 1990

**BARAFF, KOERNER, OLENDER & HOCHBERG, P. C.**

ATTORNEYS AT LAW  
2033 M STREET, N.W., SUITE 700  
WASHINGTON, D. C. 20036-3355  
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JAMES E. MEYERS  
ALAN E. ARONOWITZ  
RANDALL D. FISHER

OF COUNSEL  
ROBERT BENNETT LUBIC

TELECOPY  
(202) 223-2695

June 7, 1990

Federal Communications Commission  
Mass Media Services  
P.O. Box 358195  
Pittsburgh, Pennsylvania 15251-5195

Re: KXBR  
Greenfield, Missouri

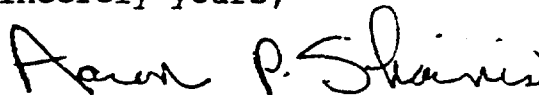
Dear Sir:

Due to the loss of its transmitter site, KXBR(FM), Greenfield, Missouri, has ceased normal broadcast operations. It is requested that it be given Special Temporary Authority to operate from an alternate temporary site. Concurrently filed with the instant request is a minor modification application.

Also tendered herewith is a check in the amount of \$100.00 in payment of the requisite filing fee.

If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely yours,



Aaron P. Shainis

cc: James Crutchfield, Esquire (FCC Hand Delivery)  
Enclosure  
APS:amc  
c:\wp\aps\060790

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

JEP 10 1900

IN REPLY REFER TO:

8920-CMJ

Mr. Chris Devine  
KXBR, Inc.  
Radio Station KXBR(FM)  
19 East 200 South, Suite 101  
Salt Lake City, Utah 84111

In re: KXBR(FM), Greenfield, Missouri  
KXBR, Inc.  
BPH-9006081D

Dear Mr. Devine:

This is in reference to the above-captioned minor change application for FM radio station KXBR(FM), Channel 228A, in Greenfield, Missouri to decrease effective radiated power from 1.3 kilowatts to 0.4 kilowatts, decrease antenna height above average terrain from 141 meters to 137 meters, and change transmitter site location by 7.5 kilometers.

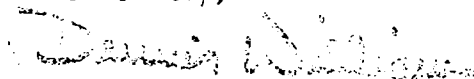
Upon review of your application, we have found it not sufficient for tender for the following reason: Tenderability Defect Code W. (See attachment for explanation).

Accordingly, your application IS HEREBY RETURNED. The remaining copies of the application will be retained at the Commission.

For your information, please note that your application has other problems that are not tenderability defects, but would have precluded the acceptance of your application. Specifically, your application was not filed on FCC Form 301, and as such fails to provide responses to Section V-B, Items 11, 12, 13, and 14. Your application cannot be processed pursuant to 47 C.F.R. § 73.215 with respect to a short-spaced application for KESE, Seigman, Missouri (application file number BPH-8901181G) since your proposal did not specifically request such processing, despite showings to demonstrate no contour overlap. Finally, we note that your contour protection showings to IF construction permit BPH-880201MQ, Ash Grove, Missouri are invalid since protection to IF stations is afforded solely by the spacing requirements of 47

C.F.R. § 73.207(a).<sup>1</sup> These additional deficiencies are noted with no attempt at being exhaustive. Consequently, it is clear that substantial revision of this application will be necessary before processing can be implemented.

Sincerely,



Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

cc: Baraff, Koerner, Olender & Hochberg, P.C.

---

<sup>1</sup> 47 C.F.R. § 73.215 contains no provisions for contour overlap showings for IF stations.

Tenderability Defects T89\*\*

- (A)+ Application untimely filed (B) Improper 301 used  
(Filed prior to window or  
after window closing)
- (C) No name or address - {I Item 1 (D) Channel or principal community  
omitted - {I Item 2
- (E)\* No response re multiple (F)\* No exhibits provided when the  
ownership - {II Items 7 - 10 YES checked {II Items 7 - 10
- (G)\* No certification: 47 USC {310(c) (H)\* No exhibit provided when the  
{II Item 11(b) YES checked {II Item 11(b)
- (I)\* YES not checked re financial (J) Principal community to be  
certification {III Item 1 served omitted {V-B Item 1  
(As of 6/26/89, applicants  
must check YES)
- (K) Channel allocation omitted (L) Antenna coordinates omitted-  
{V-B Item 1 {V-B Item 2(b)
- (M) Elevation & height of radiation (N)+ Antenna sketch omitted  
center data omitted {V-B Item 8  
{V-B Items 7(a),(b)
- (O)+ Elevation & radiation center (P) Effective radiated power  
height data in Item 7(a),(b) not specified  
disagrees with data provided in {V-B Item 9(a)  
antenna sketch {V-B Items 7 & 8
- (Q) Directional antenna response (R) Exhibit omitted when YES  
omitted {V-B Item 10 checked in {V-B Item 10
- (S)(1) No response to 1 subsection: (S)(2) {V-B Item 13(e) checked &  
{V-B Item 13(a), 13(b) or 13(e) no exhibit provided
- (T) Improper topographic site map (U) Proper map showing community  
submitted per 4-5-85 Public Notice to be served not provided  
Mimeo 3693 {V-B Item 15 {V-B Item 16
- (V)\* No public notice certification (W)+ No site availability  
{VII Item 1 certification {VII Item 2
- (X) Applicant's signature missing  
{VII Page 25

\* Not applicable to minor change applications

+ Not applicable where minor change applications propose no change in  
site or supporting structure

\*\* T89: To be used with the June 1989 301 form

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

SEP 14 1990

IN REPLY REFER TO:

8920-OMJ

Mr. Chris Devine  
KXBR, Inc.  
Radio Station KXBR(FM)  
19 East 200 South, Suite 101  
Salt Lake City, Utah 84111

In re: KXBR(FM), Greenfield, Missouri  
KXBR, Inc.  
STA

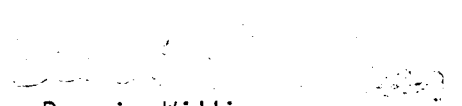
Dear Mr. Devine:

This is in reference to your request for special temporary authority (STA) filed on June 8, 1990 to operate at a temporary site due to the eviction of KXBR(FM) from its presently authorized site.

A review of your request reveals that the facilities proposed are the same as those listed in your minor change application, File Number BPH-9006081D. Your minor change application, however, was returned on September 10, 1990 due to a tenderability defect. It was also noted in the letter that other problems existed in your application that would have precluded its acceptance, if it had been found tenderable. These problems are outlined in the attached copy of the letter returning application BPH-9006081D.

Consequently, for the same reasons specified in the staff's letter of September 10, 1990, your STA IS HEREBY DENIED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

  
Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

cc: Baraff, Koerner, Olender & Hochberg, P.C.

EXHIBIT 7

EXPRESSION OF INTEREST OF KESE  
TO MOVE TO CHANNEL 227C1 AND  
REQUEST FOR FCC TO ISSUE ORDER  
FOR CHANGE FOR STATION KESE

EXHIBIT 7

IN THIS PETITION FOR RULEMAKING KJEM FM, A LIMETED PARTNERSHIP, LICENSEE OF KESE IS REQUESTING THAT IT BE ORDERED TO MOVE FROM CHANNEL 227C2 TO CHANNEL 227C1. KESE HAS SHOWN THROUGH ITS EARLIER RULEMAKING PETITION (TO MOVE FROM CHANNEL 237A TO CHANNEL 227C2) ITS PROMPT FILING OF APPLICATION FOR MODIFICATION OF LICENSE, ITS RAPID CONSTRUCTION OF THE FACILITIES AFTER AUTHORIZED (APROXIMATELY 6 MONTHS FROM ISSUANCE OF CONSTRUCTION PERMIT) TO COMPLETION OF CONSTRUCTION AND FILING OF APPLICATION FOR LICENSE, (SINCE GRANTED) THAT IT WILL DO WHAT IT SAYS.

KJEM FM, A LIMETED PARTNERSHIP WILL PROMPTLY FILE APPLICATION FOR CONSTRUCTION PERMIT UPON THE GRANTING OF THE REQUEST TO CHANGE THE CHANNEL FROM 227C2 TO 227C1 AND WILL PROMPTLY CONSTRUCT UPON GRANTING OF THE APPLICATION AND CONTINUE OPERATION OF THE FACILITY IN THE PUBLIC GOOD.

A handwritten signature in black ink, appearing to read "Elvis Moody", with a long, sweeping horizontal line extending to the right.

ELVIS MOODY

GENERAL PARTNER,

KJEM FM, A LIMITED PARTNERSHIP



EXHIBIT 8

CERTIFICATION OF COPIES SERVED

EXHIBIT 9

I CERTIFY THAT ON THIS DATE, I HAVE MAILED BY CERTIFIED MAIL THE ORIGINAL AND FOUR COPIES OF THIS PETITION FOR RULEMAKING AND ALL EXHIBITS TO THE FCC AND ONE COPY OF THE PETITION AND ALL EXHIBITS THE FOLLOWING:

MR. CHRIS DEVINE

KXBR, INC.

19 EAST 200 SOUTH, SUITE 101

SALT LAKE CITY, UTAH 84111

AND THAT I HAVE HAND DELIVERED A COPY OF THE PETITION AND ALL EXHIBITS TO THE FOLLOWING:

PAT DEMAREE

DEMAREE MEDIA, INC.

KFAY FM

P.O. BOX 878

FAYETTEVILLE, ARKANSAS 72702

DATE:

Dec. 16, 1991

CERTIFIED BY:

  
ELVIS MOODY

EXHIBIT 9

CONCLUSIONS OF PETITION FOR  
RULEMAKING REQUEST

EXHIBIT 9  
CONCLUSIONS

STATION KESE SEEKS TO UPGRADE ON ITS PRESENT CHANNEL 227 FROM CLASS C2 TO CLASS C1. TWO OTHER FACILITIES PREVENT THAT FROM HAPPENING BASED ON THE CURRENT ALLOTMENTS.

KFAY FM AT HUNTSVILLE, ARKANSAS IS CURRENTLY AUTHORIZED ON CHANNEL 228A AND CAN MOVE TO CHANNEL 258A WITH NO OTHER CHANGES IN ITS SITE OR REQUIRE ANY OTHER CHANGES IN THE TABLE OF ALLOTMENTS. IN FACT THE CHANGE IN CHANNELS CAN ALLOW KFAY FM TO INCREASE FROM THE 3KW POWER LEVEL TO THE 6 KW POWER LEVEL ON THE NEW CHANNEL IF IT SO DESIRES. KESE OFFERS TO PAY THE EXPENSES RELATED TO THE CHANNEL CHANGE SO THERE IS NO LOSS TO KFAY FM. AN EQUAL OR BETTER CHANNEL WITH NO LOSS OF SERVICE.

KXBR IS A DIFFERENT MATTER. THE STATION IS NOT PRESENTLY OPERATING AND A CHANGE TO AN EQUAL CHANNEL 299A WILL NOT CAUSE ANY INTERRUPTION OF SERVICE.

IN CONCLUSION KFAY FM CAN EASILY MOVE, KXBR CAN EASILY BE ORDERED TO CHANNEL 299A WITH NO INTERRUPTION OF SERVICE AND KESE CAN UPGRADE TO C1 ALLOWING FOR WIDER AREA SERVICE. THE MOST EFFICIENT USE OF THE SPECTRUM IS TO ALLOW THE MOVE AND OFFER KFAY FM THE OPPORTUNITY TO INCREASE ITS COVERAGE IF IT SO DESIRES WITH A CHANNEL THAT ALLOWS 6KW AT ITS PRESENT SITE NOT ITS PRESENT 3KW.

IN EXHIBITS KESE HAS EXPRESSED ITS INTENT TO PROMPLY

POST OFFICE BOX 100  
CHICAGO, ILL.